

## AUTHORIZING THE ESTABLISHMENT OF A NATIONAL GUARD UNIT IN THE VIRGIN ISLANDS

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SEPTEMBER 30, 1971.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. FISHER, from the Committee on Armed Services,  
submitted the following

### REPORT

[To accompany H.R. 3817]

The Committee on Armed Services to which was referred the bill (H.R. 3817) to amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands having considered the same, reports favorably thereon with amendments and recommends that the bill do pass.

The amendments are as follows:

On page 2, following line 4, add the following new language:

Sec. 3. Clauses (7) and (9) of section 101 of title 37, United States Code, are each amended by inserting "the Virgin Islands", after the words "the Canal Zone", in each of those clauses.

Amend the title so as to read:

To amend titles 10, 32, and 37, United States Code, to authorize the establishment of a National Guard for the Virgin Islands.

### EXPLANATION OF THE AMENDMENTS

Title 37 of the United States Code relates to pay and allowances of the uniformed services. Sec. 101 of title 37 relates to definitions under this chapter. The amendment would eliminate any questions as to the entitlement of members of the National Guard of the Virgin Islands to the pay and allowances authorized under title 37. The title of the bill is amended to reflect the fact that title 37, United States Code, is also being amended.

## PURPOSE OF THE BILL

Under existing law the authority to organize National Guard units is limited to several states, the Commonwealth of Puerto Rico, the District of Columbia and the Canal Zone. There is now no authority for a National Guard in the Virgin Islands. This bill would grant such authority.

## EXPLANATION OF THE BILL

This bill would provide authority for the establishment of a National Guard unit in the Virgin Islands.

If a National Guard unit were established in the Virgin Islands, it would be in the position to render invaluable and immediate assistance in times of disaster. At present the Virgin Islands disaster resources are extremely limited. The islands themselves are separated by water and, in turn, are separated from their nearest source of possible aid (Puerto Rico) by approximately 100 miles of water.

Since the Virgin Islands lie in a so-called "Hurricane Belt" of the Atlantic and Caribbean, there is a continuing possibility of a national disaster. If the Governor of the Virgin Islands had a National Guard unit immediately available to him, they could aid in alleviating distress in restoring communications and other vital services.

In addition, although there have been no civil disorders of any magnitude in the Virgin Islands in the past, such disturbances have occurred on other islands in the Caribbean, which supply many of the aliens and migrants in the Virgin Islands, and the possibility of local disorders cannot entirely be disregarded.

The Virgin Islands police force, approximately 350 in strength, is distributed among the Islands of St. Thomas, St. Croix, and St. John. In the event of a major civil disturbance, the availability of National Guard would significantly reduce the need to call upon Federal authorities for assistance.

There are no military garrisons of any size in or adjacent to the Virgin Islands. Three U.S. Army reserve military police units, an aggregate strength of 69 members, are stationed in the Virgin Islands. These units are not subject to be ordered to active duty by the Governor. If this legislation is enacted, the Virgin Islands authorities contemplate requesting the allotment of Army National Guard units, one company on St. Thomas, another on St. Croix, and a combined battalion and State headquarters on one of these islands. It is anticipated that there would be little difficulty in recruiting and maintaining such a force. The formation of junior officers would probably have to be provided by National Guard and Army officer candidate schools. There is no present intention to organize an Air National Guard.

The bill would also make it clear that participants in the National Guard unit to be established in the Virgin Islands would be entitled to pay and allowances under title 37, United States Code.

## FISCAL DATA

Enactment of the proposed legislation will have no appreciable effect upon the budgetary requirements of the Department of Defense,

since the Army will absorb the cost within the present National Guard budget.

#### COMMITTEE POSITION

The Committee on Armed Services, on September 28, 1971, a quorum being present, agreed to report H.R. 3817, as amended, to the House and strongly recommends its enactment.

#### DEPARTMENTAL POSITION

The Department of the Army, on behalf of the Department of Defense, favors enactment of this legislation. A letter from the Secretary of Defense is set out below as part of this report.

DEPARTMENT OF THE ARMY,  
Washington, D.C., July 27, 1971.

HON. F. EDWARD HEBERT,  
*Chairman, House Armed Services Committee,*  
*House of Representatives*

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 3817, 92d Congress, a bill "To amend titles 10 and 32, United States Code, to authorize the establishment of a National Guard for the Virgin Islands." The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this bill.

The title of the bill states its purpose.

The Department of the Army on behalf of the Department of Defense has considered the bill.

Under existing law, the authority to organize and maintain National Guard units is limited to the several States, the Commonwealth of Puerto Rico, the Canal Zone, and the District of Columbia. There is no National Guard in the Canal Zone.

It would be desirable to have National Guard units available to the Government of the Virgin Islands in case of natural disaster, and to provide military aid to civil authorities in the case of local disorder.

While the Virgin Islands have escaped the ravages of severe tropical storms in recent past, they lie in the so-called "Hurricane Belt" of the Atlantic and Caribbean, and such storms and other natural disasters might occur at almost any time.

Again, while they have experienced no civil disorders of any magnitude for many years, such disturbances have been occurring on other islands of the Caribbean which supply a considerable number of the alien and migrant laborers in the Virgin Islands, and the possibility of similar disorders in this area cannot be altogether eliminated.

The Virgin Islands police force, currently numbering about 350, is distributed among the islands of St. Thomas, St. Croix, and St. John. This is the only force immediately available to the Governor. It is therefore apparent that in the event of a natural disaster, or the threat or existence of civil disorder, the Governor would almost im-

mediately have to request manpower and other assistance from Federal authorities.

There are no military garrisons of any size in or adjacent to the Virgin Islands. Three U.S. Army Reserve Military Police units, with an aggregate strength of 69 members, are stationed in the Virgin Islands. These units are not subject to being ordered to active duty by the Governor.

The Army Reserve units in the Virgin Islands have experienced no difficulty in maintaining their enlisted strength, and currently have both prior service and non-prior service applicants awaiting the opportunity to enlist.

The Governor and the Legislature of the Virgin Islands have indicated a desire to organize a National Guard. If the legislation is enacted, it is probable that authority would be requested to organize one Army National Guard company on St. Thomas, another on St. Croix, and a small combined battalion and State headquarters, on one of these islands, with an authorized strength of about 460. Little difficulty is anticipated in recruiting for the National Guard, or in obtaining whatever financial support might be required from the local government. Junior commissioned officers would probably have to be provided through Officer Candidate Schools of the National Guard and active Army.

The existence of such a force, available upon call by the local government, could be expected to reduce, if not eliminate, requests for Federal assistance in the kinds of emergencies that may be expected to arise. The presence of readily available units on the ground could also be expected to reduce the likelihood and the disruptive effect of civil disorders.

For the foregoing reasons, the Department of the Army on behalf of the Department of Defense recommends that the bill be favorably considered.

Enactment of the bill would cause no increase in National Guard strength authorizations or budgetary requirements of the Department of Defense. Since current financial plans of Department of the Army do not specifically include support for a National Guard unit in the Virgin Islands, implementation of the legislation will depend on the availability of necessary resources.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

ROBERT F. FROEHLKE,  
*Secretary of the Army.*



## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, there is herewith printed in parallel columns the text of existing law which would be repealed or amended by the various provisions of the bill as reported.

### EXISTING LAW

SEC. 101, title 10, United States Code (2) "Territory" means any Territory organized after this title is enacted, so long as it remains a Territory.

SEC. 101, title 32, United States Code (1) "Territory" means any Territory organized after this title is enacted, so long as it remains a Territory.

SEC. 101, title 37, United States Code (7) "Army National Guard" means that part of the organized militia of the several States, Puerto Rico, the Canal Zone, and the District of Columbia, active and inactive, that—

(A) is a land force;

### THE BILL AS AMENDED

That section 101(2) of title 10, United States Code, is amended by inserting "Except as provided in section 101 (1) of title 32 for laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States," before "Territory" means".

SEC. 2. Section 101(1) of title 32, United States Code, is amended by adding the following new sentence at the end: "However, for purposes of this title and other laws relating to the militia, the National Guard, the Army National Guard of the United States, and the Air National Guard of the United States, 'Territory' includes the Virgin Islands."

SEC. 3. Clauses (7) and (9) of section 101 of title 37, United States Code, are each amended by inserting "the Virgin Islands", after the words "the Canal Zone", in each of those clauses.

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

EXISTING LAW

THE BILL AS AMENDED

(D) is federally recognized;  
(9) "Air National Guard" means that part of the organized militia of the several States, Puerto Rico, the Canal Zone, and the District of Columbia, active and inactive, that—

(A) is an air force;

(B) is trained, and has its officers appointed, under the sixteenth clause of section 8, article 5, of the constitution;

(C) is organized, armed, and equipped wholly or partly at Federal expense; and

(D) is federally recognized;

## SUMMARY

## PURPOSE OF BILL

The purpose of H.R. 3817 is to authorize the establishment of a National Guard for the Virgin Islands.

## EXPLANATION OF BILL

This legislation would permit the establishment of a National Guard in the Virgin Islands.

## FISCAL DATA

This legislation will have no appreciable effect upon the Department of Defense budget, since any additional cost occasioned by the creation of a National Guard in the Virgin Islands will be absorbed by the Army National Guard budget.

## COMMITTEE POSITION

Committee on Armed Services, on September 28, 1971, a quorum being present, agreed to report H.R. 3817, as amended, to the House and strongly recommends its enactment.

## DEPARTMENTAL POSITION

The Department of the Army, on behalf of the Department of Defense, favors enactment of this legislation.



MEMORANDUM

TO : THE SECRETARY OF DEFENSE

FROM : THE JOINT CHIEFS OF STAFF

SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]